

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.959 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND SOCORRO
MOLINA, ET AL.,

Defendants.

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CASE NO. 7:20-CV-323

**JOINT MOTION FOR ORDER ESTABLISHING JUST COMPENSATION, GRANTING
POSSESSION, AND DISTRIBUTING FUNDS ON DEPOSIT IN THE REGISTRY OF
THE COURT FOR TRACT RGV-RGC-2001**

1. On October 14, 2020, the United States filed a Declaration of Taking for the condemnation of a fee simple interest in real property identified as Tract RGV-RGC-2001.¹ On October 21, 2020, the United States deposited twenty four thousand dollars and 00/100 (\$24,000.00) into the Registry of the Court as estimated just compensation for Tract RGV-RGC-2001.²

2. The Declaration of Taking acquired 1.959 acres of fee and identified Defendants Socorro Molina Peña, Irma Serna Molina, Marco Arnoldo Molina, Jr., Luis Eduardo Molina, Irma Molina, Rebecca Molina, and Veronica Molina (“Defendants”), and Ameida Salinas, Starr County Tax Assessor/Collector (“Tax Assessor”) as potentially having an interest in the subject property. Defendants and Tax Assessor are the only persons in this case with an identified interest in the subject property.

¹ Dkt. No. 2.

² Dkt. No. 5.

3. Defendants have settled the amount of just compensation owed to Defendants in this matter. Although Defendant Socorro Molina Peña fell ill upon commencement of negotiations and prior to the filing of this action, Plaintiff recently conferred with Oscar Peña, her son and spokesperson for the Molina family, who advised that Socorro Molina Peña was able to confirm her agreement with the just compensation amount and to the instant joint motion.

4. On May 13, 2021, the United States filed a Motion to Add Party Defendant Unknown Heirs of Constantino Garza Flores.³ In response to the Courts Order,⁴ on June 8, 2021, the United States filed a Certificate of Commencement of Publication for Unknown Heirs of Constantino Garza Flores.⁵ As of the filing of this Joint Motion, no additional parties have come forward.

5. The total amount in deposit in the Registry of the Court and agreed to as the settlement between the parties is \$24,000.00.⁶

6. The United States, Defendants, and Tax Assessor (the “Parties”) now make this joint motion for an Order: (a) establishing twenty four thousand dollars and 00/100 (\$24,000.00) as the total just compensation for Tract RGV-RGC-2001 (the “Subject Property”); (b) granting the United States immediate possession of Tract RGV-RGC-2001; (c) disbursing the stipulated amount of just compensation, as directed below, from the funds on deposit in the Registry of the Court for the Subject Property; and (d) closing this case on the Court’s docket. As grounds for this motion, the Parties jointly state:

- a. The Parties confirm and agree that the full and just compensation payable by the United States for the taking of Tract RGV-RGC-2001 shall be the sum of twenty four thousand dollars and 00/100 (\$24,000.00) plus any accrued interest, which sum is all inclusive and

³ Dkt. No. 27.

⁴ Dkt. No. 31.

⁵ Dkt. No. 32.

⁶ Dkt. No. 5.

in full satisfaction of any claims of whatsoever nature by the Defendants against the United States for the institution and prosecution of the above-captioned action.

- b. The Parties respectfully request that judgment be entered against the United States in the amount of twenty-four thousand dollars and 00/100 (\$24,000.00) for its condemnation of the stated interests or estates in the Subject Property, along with any accrued interest.
- c. The United States previously deposited twenty-four thousand dollars and 00/100 (\$24,000.00) into the Registry of the Court.⁷ The United States and the Parties agree that upon deposit of said amount, title to the interest and estate as more fully described in the Complaint and to the extent set forth in the Declaration of Taking, vested in the name of the United States of America by operation of law as to Tract RGV-RGC-2001.
- d. The Parties agree that the United States shall be entitled to immediate possession of Tract RGV-RGC-2001, and all persons in possession or control of the interests taken in this property should be ordered by the Court to surrender possession of the same to the United States.
- e. The total sum of twenty four thousand dollars and 00/100 (\$24,000.00) currently on deposit with the Registry of the Court, with accrued interest, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
- f. Upon the Court's Order entering judgment in accord with this stipulation of just compensation for the Tract RGV-RGC-2001, the Parties seek immediate disbursement of twenty four thousand dollars and 00/100 (\$24,000.00) on deposit in the Registry of the Court, together with any accrued interest earned thereon from the initial deposit date of

⁷ *Id.*

October 21, 2020,⁸ to be disbursed as follows:

- **\$1,616.20** to “Starr County Tax Assessor/Collector,” account number 0055973, on account of the taxes owed on the subject property.
 - **\$9,793.59** to “Rebecca Molina” with accrued interest from the date of deposit, on account of the combined 43.75% interest of Irma Serna Molina, Irma Molina, Rebecca Molina, Veronica Molina, Marco Arnoldo Molina, Jr., and Luis Eduardo Molina. These parties have agreed to disbursement of their just compensation amounts in a single check, which they will divide and distribute amongst themselves.
 - **\$9,792.91** to “Socorro Molina Peña” with accrued interest from the date of deposit, on account of her 43.75% interest.
 - **\$2,797.30** with accrued interest, will remain on deposit in the Court’s registry, pursuant to 28 U.S.C. § 2042, on account of the 12.50% interest of landowner Unknown Heirs of Constantino Garza Flores until such time any heirs should come forward to claim said funds.
- g. Defendants warrant that they are the sole owners of the Subject Property (subject to the interest held by Unknown Heirs of Constantino Garza Flores) in the interest as stated above; that they have the exclusive right to the compensation herein, excepting unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by defendants, to the date of repayment into the Registry of the Court.
- i. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

⁸ *Id.*

- j. Subject to the property taxes owed, which payment is being disbursed in favor of Starr County Tax Assessor, account number 0055973, Defendants are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
- k. The Parties shall take no appeal from any rulings or judgments made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
- l. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of taking.
- m. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.
- n. The Parties request that the Court enter an order closing this case on the Court's docket.

FOR DEFENDANTS:

By: s/ 
Ameida Salinas, Starr County Tax Assessor

By: s/ Socorro Molina Pena (w/ permission)

By: s/ Irma Serna Molina (w/ permission)

By: s/ Marco Arnoldo Molina, Jr. (w/ permission)

By: s/ Luis Eduardo Molina (w/ permission)


By: s/ Rebecca Molina (w/ permission)

By: s/ Veronica Molina (w/ permission)

By: s/ Irma Molina (w/ permission)

Respectfully submitted,

JENNIFER B. LOWERY
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Southern District of Texas

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CERTIFICATE OF SERVICE

I, Hilda M. Garcia Concepcion, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on August 17-18, 2021, a copy of the foregoing was served via the District ECF system on all counsel of record and by regular mail to all other parties.

By: s/ 
HILDA M. GARCIA CONCEPCION
Assistant United States Attorney